

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 12, 2002

IN RE:

COMPLAINT OF US LEC OF TENNESSEE,
INC. AGAINST ELECTRIC POWER BOARD
OF CHATTANOOGA

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DOCKET NO.
02-00562

ORDER GRANTING PETITION OF BELL SOUTH
TELECOMMUNICATIONS, INC. FOR LEAVE TO INTERVENE

On May 23, 2002, BellSouth Telecommunications, Inc. ("BellSouth") filed the *Petition of BellSouth Telecommunications, Inc. for Leave to Intervene* (the "*Petition*") in this matter. According to the *Petition*, BellSouth furnishes exchange telephone service and intrastate intraLATA telephone service in Tennessee subject to the jurisdiction of the Tennessee Regulatory Authority. BellSouth states that it "competes directly against the Electric Power Board of Chattanooga in Chattanooga and has an interest in this case."¹ BellSouth further states that its "legal interests may be determined in the proceedings and [its] interests will not be adequately represented unless the Authority allows [it] to intervene."² No person has objected to BellSouth's *Petition*.

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions for intervention:

¹ *Petition of BellSouth Telecommunications, Inc. for Leave to Intervene*, May 23, 2002, p. 1.
² *Id.*

4-5-310. Intervention

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

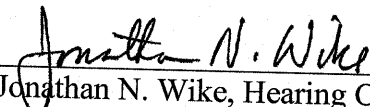
- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

The Hearing Officer finds that BellSouth's *Petition* complies with the requirements of Tenn. Code Ann. § 4-5-310. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

Pursuant to Tenn. Code Ann. § 4-5-310, BellSouth's *Petition* is granted.

IT IS THEREFORE ORDERED THAT:

BellSouth Telecommunications, Inc. is hereby given leave to intervene and receive copies of any notices, orders or other documents herein.


Jonathan N. Wike, Hearing Officer